

SENATE BILL NO. 196—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 24, 2011

Referred to Committee on Education

SUMMARY—Revises provisions governing empowerment schools.
(BDR 34-86)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; removing the restriction on the number of empowerment schools that may be established statewide; providing that an empowerment school is not required to revert certain grants of money made by the Legislature; removing the prospective expiration of the Program of Empowerment Schools; requiring a plan for each public school of a school district to convert to an empowerment school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes the Program of Empowerment Schools and imposes a
- 2 cap on the number of empowerment schools that may be established statewide of
- 3 100 schools. (NRS 386.700-386.780) **Section 1** of this bill removes the cap.
- 4 Existing law sets forth provisions governing the sources of money which
- 5 constitute the budget for an empowerment school and the discretion each
- 6 empowerment school has over its budget. (NRS 386.740) **Section 2** of this bill
- 7 provides that if the Legislature appropriates money for grants to empowerment
- 8 schools, each empowerment school awarded a grant may carry forward any money
- 9 remaining from that grant to the next fiscal year and is not required to revert the
- 10 money to the school district or the State.
- 11 Existing law provides for the prospective expiration of the Program of
- 12 Empowerment Schools on June 30, 2011. (Section 20 of chapter 530, Statutes of
- 13 Nevada 2007, p. 3285) **Section 3** of this bill removes the prospective expiration
- 14 of the Program.
- 15 Under existing law, the boards of trustees of school districts in counties whose
- 16 population is 100,000 or more (currently Clark and Washoe Counties) are required
- 17 to approve not less than 5 percent of the schools within the school district to operate



18 as empowerment schools, and the boards of trustees in all other counties are
19 authorized to approve public schools within the school district to operate as
20 empowerment schools. (NRS 386.720) **Section 4** of this bill requires each school
21 district to submit a report to the Superintendent of Public Instruction setting forth a
22 timetable and process to convert each public school within the school district to an
23 empowerment school not later than July 1, 2013. **Section 4** also requires the
24 Superintendent to compile the reports and prepare a written report of the
25 compilation for submission to the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 386.720 is hereby amended to read as follows:
2 386.720 1. There is hereby established a Program of
3 Empowerment Schools for public schools within this State. The
4 Program does not include a university school for profoundly gifted
5 pupils.

6 2. ~~Except as otherwise provided in this subsection, the~~ *The*
7 board of trustees of a school district which is located:

8 (a) In a county whose population is less than 100,000 may
9 approve public schools located within the school district to operate
10 as empowerment schools.

11 (b) In a county whose population is 100,000 or more shall
12 approve not less than 5 percent of the schools located within the
13 school district to operate as empowerment schools.

14 ~~↔ The total number of schools which operate as empowerment
15 schools in this State must not exceed 100 schools. The Department
16 shall adopt procedures to ensure compliance with the provisions of
17 this subsection.]~~

18 3. The board of trustees of a school district which participates
19 in the Program of Empowerment Schools shall, on or before
20 September 1 of each year, provide notice to the Department of the
21 number of schools within the school district that are approved to
22 operate as empowerment schools for that school year.

23 4. The board of trustees of a school district that participates in
24 the Program of Empowerment Schools may create a design team for
25 the school district. If such a design team is created, the membership
26 of the design team must consist of the following persons appointed
27 by the board of trustees:

28 (a) At least one representative of the board of trustees;

29 (b) The superintendent of the school district, or the
30 superintendent's designee;

31 (c) Parents and legal guardians of pupils enrolled in public
32 schools in the school district;

33 (d) Teachers and other educational personnel employed by the
34 school district, including, without limitation, school administrators;



1 (e) Representatives of organizations that represent teachers and
2 other educational personnel;

3 (f) Representatives of the community in which the school
4 district is located and representatives of businesses within the
5 community; and

6 (g) Such other members as the board of trustees determines are
7 necessary.

8 5. If a design team is created for a school district, the design
9 team shall:

10 (a) Recommend policies and procedures relating to
11 empowerment schools to the board of trustees of the school district;
12 and

13 (b) Advise the board of trustees on issues relating to
14 empowerment schools.

15 6. The board of trustees of a school district may accept gifts,
16 grants and donations from any source for the support of the
17 empowerment schools within the school district.

18 **Sec. 2.** NRS 386.740 is hereby amended to read as follows:

19 386.740 1. Each empowerment plan for a school must:

20 (a) Set forth the manner by which the school will be governed;

21 (b) Set forth the proposed budget for the school, including,
22 without limitation, the cost of carrying out the empowerment plan,
23 and the manner by which the money apportioned to the school will
24 be administered;

25 (c) If a school support team has been established for the school
26 in accordance with the regulations of the State Board adopted
27 pursuant to NRS 385.361, require the principal and the
28 empowerment team for the school to work in consultation with the
29 school support team;

30 (d) Prescribe the academic plan for the school, including,
31 without limitation, the manner by which courses of study will be
32 provided to the pupils enrolled in the school and any special
33 programs that will be offered for pupils;

34 (e) Prescribe the manner by which the achievement of pupils
35 will be measured and reported for the school, including, without
36 limitation, the results of the pupils on the examinations administered
37 pursuant to NRS 389.015 and 389.550;

38 (f) Prescribe the manner by which teachers and other licensed
39 educational personnel will be selected and hired for the school,
40 which must be determined and negotiated pursuant to chapter 288 of
41 NRS;

42 (g) Prescribe the manner by which all other staff for the school
43 will be selected and hired, which must be determined and negotiated
44 pursuant to chapter 288 of NRS;



- 1 (h) Indicate whether the empowerment plan will offer an
2 incentive pay structure for staff and a description of that pay
3 structure, if applicable;
- 4 (i) Indicate the intended ratio of pupils to teachers at the school,
5 designated by grade level, which must comply with NRS 388.700 or
6 388.720, as applicable;
- 7 (j) Provide a description of the professional development that
8 will be offered to the teachers and other licensed educational
9 personnel employed at the school;
- 10 (k) Prescribe the manner by which the empowerment plan will
11 increase the involvement of parents and legal guardians of pupils
12 enrolled in the school;
- 13 (l) Comply with the plan to improve the achievement of the
14 pupils enrolled in the school prepared pursuant to NRS 385.357, the
15 turnaround plan for the school implemented pursuant to NRS
16 385.37603 or the plan for restructuring the school implemented
17 pursuant to NRS 385.37607, whichever is applicable for the school;
- 18 (m) Address the specific educational needs and concerns of the
19 pupils who are enrolled in the school; and
- 20 (n) Set forth the calendar and schedule for the school.
- 21 2. If the empowerment plan includes an incentive pay
22 structure, that pay structure must:
- 23 (a) Provide an incentive for all staff employed at the school;
- 24 (b) Set forth the standards that must be achieved by the pupils
25 enrolled in the school and any other measurable objectives that must
26 be met to be eligible for incentive pay; and
- 27 (c) Be in addition to the salary or hourly rate of pay negotiated
28 pursuant to chapter 288 of NRS that is otherwise payable to the
29 employee.
- 30 3. An empowerment plan may:
- 31 (a) Request a waiver from a statute contained in this title or a
32 regulation of the State Board or the Department.
- 33 (b) Identify the services of the school district which the school
34 wishes to receive, including, without limitation, professional
35 development, transportation, food services and discretionary
36 services. Upon approval of the empowerment plan, the school
37 district may deduct from the total apportionment to the
38 empowerment school the costs of such services.
- 39 4. For purposes of determining the budget pursuant to
40 paragraph (b) of subsection 1, if a public school which converts to
41 an empowerment school is a:
- 42 (a) Charter school, the amount of the budget is the amount equal
43 to the apportionments and allowances from the State Distributive
44 School Account pursuant to NRS 387.121 to 387.126, inclusive, and
45 its proportionate share of any other money available from federal,



1 state or local sources that the school or the pupils enrolled in the
2 school are eligible to receive.

3 (b) Public school, other than a charter school, the empowerment
4 team for the school shall have discretion of 90 percent of the amount
5 of money from the state financial aid and local funds that the school
6 district apportions for the school, without regard to any line-item
7 specifications or specific uses determined advisable by the school
8 district, unless the empowerment team determines that a lesser
9 amount is necessary to carry out the empowerment plan.

10 *5. If money is appropriated by the Legislature for awarding*
11 *grants to empowerment schools to develop or carry out an*
12 *empowerment plan, each empowerment school that is awarded*
13 *such a grant may carry forward any money remaining from that*
14 *grant at the end of a fiscal year to the next fiscal year and is not*
15 *required to revert the money to the school district in which the*
16 *empowerment school is located or to the State.*

17 **Sec. 3.** Section 20 of chapter 530, Statutes of Nevada 2007, at
18 page 3285, is hereby amended to read as follows:

19 Sec. 20. This act becomes effective on July 1, 2007 . ~~†~~
20 ~~and expires by limitation on June 30, 2011.~~

21 **Sec. 4.** 1. On or before December 1, 2012, the board of
22 trustees of each school district shall submit a written report to the
23 Superintendent of Public Instruction which includes a timetable and
24 process for each public school of the school district to convert to an
25 empowerment school pursuant to the provisions of NRS 386.700 to
26 386.780, inclusive, not later than July 1, 2013.

27 2. The Superintendent of Public Instruction shall compile the
28 written reports prepared pursuant to subsection 1 and submit a
29 written report of the compilation and any recommendations for
30 legislation to the Director of the Legislative Counsel Bureau for
31 submission to the 77th Session of the Nevada Legislature.

32 **Sec. 5.** This act becomes effective upon passage and approval.

